

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

HELEN BURTON,

Plaintiff,

vs.

BRIAN PUTNAM and HORSLEY TRANSPORT
LLC,

Defendants.

No. ~~18 L 54~~ 18 - 533

NOTICE OF REMOVAL

NOW COME Defendant, BRIAN PUTNAM and HORSLEY TRANSPORT LLC (“Horsley”), by their attorneys, ORLEANS CANTY NOVY, LLC, pursuant to Title 28 U.S.C. §§ 1332, 1441 and 1446, hereby file their Notice of Removal of the cause entitled *Helen Burton v. Brian Putnam and Horsley Transport LLC*, filed in the Circuit Court of St. Clair County, under case number 2018 L 54. As their grounds for removal, Defendants state as follows:

1. That Plaintiff, HELEN BURTON (“Plaintiff”) commenced an action against the above-referenced Defendants on or about January 3, 2018 by filing Plaintiff’s Complaint in the Circuit Court of St. Clair County, Illinois, under case number 2018 L 54. (See Summons and Plaintiff’s Complaint attached hereto and made a part of this Notice as Exhibit A).

2. Plaintiff served said Summons and Complaint upon Defendant, Horsley, on February 5, 2018.

3. 28 U.S.C. § 1332 provides that:

(a) The District Court shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs, and is between

(1) citizens of different states;

(2) citizens of a State and citizens or subjects of a foreign state . . .

4. Accordingly, this action is removable under 28 U.S.C. §1441, which provides:

(a) Except as otherwise expressly provided by Act of Congress, any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending. For purposes of removal under this chapter, the citizenship of defendants sued under fictitious names shall be disregarded.

5. Pursuant to 28 U.S.C. § 1446 this Notice of Removal is being brought within 30 days of service of Summons and Complaint, which was the initial notice of this lawsuit.

6. The Illinois Traffic Crash Report states that at the time of the occurrence Plaintiff resided at 1769 Veterans Memorial Pkwy, Saint Charles, Missouri 63303. (See the Illinois Traffic Crash Report made in response to the subject incident attached hereto and made a part of this Notice as Exhibit B).

7. As such, Plaintiff was a citizen of the State of Missouri at the time of the alleged incident that is the subject incident. Upon information and belief, Plaintiff remains a citizen of the State of Missouri.

8. Horsley is a Georgia limited liability company. (See Georgia Secretary of State listing attached hereto and made a part of this Notice as Exhibit C). Horsley is a motor carrier in the business of transporting cargo throughout the United States of America. Horsley's sole member is a citizen of the State of Georgia.

9. Specifically, Horsley has one member, Eric Horsley. Eric Horsley is a citizen of the State of Georgia and his residence address is 2011 Taylors Gin Road, Temple, Georgia 30179. (See Affidavit of Eric Horsley, attached hereto as Exhibit D).

10. Therefore, Horsley is a citizen of the State of Georgia.

11. The Illinois Traffic Crash Report indicates that at the time of the occurrence Defendant, Putnam, resided and is domiciled at 24631 Georgia Highway 100, Roopville, Georgia 30170. (Ex. C). Putnam currently resides and is domiciled at 28 Boulder Drive, Carrollton, Georgia 30117.

12. Thus, Defendant Putnam is a citizen of the State of Georgia and not a citizen of the State of Missouri.

13. Consequently, diversity of citizenship exists between Plaintiff and Defendants.

14. The State Court action is an action for civil damages by Plaintiff for personal injuries. Plaintiff does not specify a dollar amount of damages in her Complaint. Rather, Plaintiff's Complaint seeks damages in excess of the minimum jurisdiction limit of the court (\$50,000.00), the Circuit Court of St. Clair County, Illinois. In this regard, Plaintiff alleges that as a result of the subject incident, she was injured in one or more of the following ways:

- (a) The Plaintiff was made sick, sore, lame, disordered and disabled and suffered extensive injuries to her head, body, and limbs, both internally and externally;
- (b) The Plaintiff received injuries to her neck;
- (c) The Plaintiff received injuries to her back;
- (d) The Plaintiff received injuries to her pelvic;
- (e) The Plaintiff received injuries to her chest;
- (f) The Plaintiff received injuries to the soft tissues of the cervical, shoulder, and lumbar area, including the muscles, ligaments, tendons, and nerves;
- (g) The Plaintiff has expended money for necessary medical care, treatment and services and will be required to expend money for medical care, treatment and services in the future;
- (h) The Plaintiff has suffered disability as a result of her injuries;
- (i) The Plaintiff has experienced pain and suffering and will be reasonably certain to experience pain and suffering in the future as a result of her injuries; and
- (j) The Plaintiff has lost money from the loss of wages and will suffer an impairment of future earning capacity.

(Ex. A). Therefore, although not specifically demand on the face of the complaint, Defendants make a reasonable conclusion based on the allegations of the complaint, that the amount in controversy exceeds \$75,000, exclusive of interest and costs.

15. Therefore this matter is removable under 28 U.S.C. § 1332 because diversity of citizenship exists between all parties and the amount in controversy exceeds \$75,000.

16. Removal to the Southern District Court of Illinois is appropriate under 28 U.S.C. § 1441 as it is the District embracing the place where the action is currently pending.

WHEREFORE, Defendants, BRIAN PUTNAM and HORSLEY TRANSPORT LLC, file its Notice of Removal, removing the State Court action from the Circuit Court of St. Clair County, Illinois, to the United States District Court for the Southern District of Illinois.

Defendants Demand Trial by Jury.

Respectfully submitted,

BRIAN PUTNAM and HORSLEY TRANSPORT
LLC, Defendants.

By: s/ Jason Orleans
One of Their Attorneys

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